MINUTES PLANNING COMMISSION MARCH 8, 2016 – 7:00 P.M. TOWN HALL ANNEX – COMMUNITY ROOM 2

Acting Chairman Pritchard called the meeting to order at 7:03 p.m.

I. ROLL CALL

Regular members present: Steinford, Pritchard, Munn, Kane

Alternate members present: Fitzgerald, Tarbox, Zod

Absent: Sherrard

Staff present: Town Attorney Carey, Jones, Glemboski, Allen, Gilot

Acting Chairman Pritchard seated Zod for Sherrard and seated Steinford Acting Secretary.

II. APPROVAL OF MINUTES

1. February 9, 2016

MOTION: To adopt the minutes of February 9, 2016 as written.

Motion made by Steinford, seconded by Zod. Motion passed unanimously.

III. PUBLIC COMMUNICATIONS - None

IV. SUBDIVISIONS

1. Executive Session: Sedensky v. Groton Planning Commission, LND-HHD-CV-13-6057640-S. Executive Session for discussion of strategy and negotiations with respect to pending claims/pending litigation to which the Planning Commission is a party.

MOTION: To enter into executive session at 7:03 p.m. to discuss the legal case of *Sedensky v. Groton Planning Commission*, LND-HHD-CV-13-6057640-S to discuss strategy and negotiations with respect to pending litigation.

Motion made by Pritchard, seconded by Munn. Motion passed unanimously.

Attorney Carey, Deborah Jones, and Planning Commission voting members Steinford, Pritchard, Munn, Kane and Zod were invited to be in attendance for the executive session.

MOTION: To end the executive session at 7:44 pm.

Motion made by Pritchard, seconded by Zod. Motion passed unanimously.

MOTION: To add an item to the agenda before Item #2: Commission action on the pending litigation of *Sedensky v. Groton Planning Commission*, LND-HHD-CV-13-6057640-S.

Motion made by Pritchard, seconded by Steinford, so voted unanimously.

MOTION: The Planning Commission will not file an appeal of the legal case of *Sedensky* v. *Groton Planning Commission*, LND-HHD-CV-13-6057640-S.

Motion made by Pritchard, seconded by Kane. Motion passed unanimously.

2. East Farm Subdivision – Utility Installation Progress Report

Staff explained that the Planning Commission granted an extension for the East Farm Subdivision until April 11, 2016 but requested a progress report prior to April.

Michael Franklin, East Farm Subdivision, updated the Commission on the progress made on the public improvements for the East Farm Subdivision. He explained that a wetlands permit was obtained to replace a stone culvert at the site. Lombardi Gravel and Excavation was hired to do the work. Mr. Franklin detailed the scope of work to be done over the next several weeks, and he anticipates the work to be substantially complete by the first week in April. A request for an extension will be filed if needed at that time.

Michael and Deborah Graner, owners of 496 Noank Road, located in the East Farm Subdivision, addressed the commission. They were satisfied with the progress made thus far and were hopeful that the work on their property would be completed before the extension expires in April.

V. SITE PLANS

- Long Meadow Landing, 45 South Road (SIT15-14) Action Required
 Staff said the application was withdrawn.
- 2. Mystic River Ambulance, 237 Sandy Hollow Road (SIT15-18) Request for Extension or Action Required

Staff said the applicant sent a letter today requesting an extension to the next meeting. They have not yet received an exemption of a requirement for a Certificate of Convenience and Necessity for the well from state.

MOTION: To grant an extension to the next meeting on March 22, 2016.

Motion made by Pritchard, seconded by Steinford. Motion passed 4-0-1 (Munn).

3. New Central Hall, 18-22 West Main Street (SIT16-04) (CAM)

Gregg Fedus, Fedus Engineering, represented the owners of the new Central Hall. Eric Burns, Historic Mystic LLC was present. Mr. Fedus presented the construction management plan. The pilings are being changed from steel pilings pounded into ground, to a Hercules type pile which gets screwed into the ground, creating less noise and disruption.

A temporary elevated trestle will be used to construct the new foundation and deck, to avoid working on West Main Street during busy business hours. A barge will be used for the transport of materials and for help in the construction of the foundation and deck. Work will be from west to east to demolish the existing deck and then work back east to west to construct the foundation. There will be some barge assistance from the Mystic River. The pump station parking lot will be the staging area, gated and fenced. As a safety precaution, a construction fence will be placed on West Main Street from end to end of the proposed building, and the sidewalk will be closed at either end, extending into the parking spaces on West Main Street. The handicap parking space will not be affected. Reflective barrels and

chain link fence will be used to mark the closure of the sidewalk. As construction allows, the parking spaces and sidewalk will be re-opened. The foundation portion is the first phase of the project. A separate plan for Phase 2 will be provided at a later date.

The detailed construction management plan addressed all Public Works, Planning and fire marshal comments. A spill prevention plan was provided, and the CAM application was reviewed. Notes for erosion control were added to the plan.

Staff reviewed the requirements of the site plan review, a hazardous material spill containment pad, and the spill containment plan. The applicants have requested approvals from the state for a small deck expansion. Staff explained that the proposed deck expansion is not included with this application, because part of the proposed deck is on town property. The deck request will be handled administratively.

The applicant proposed refueling in the driveway, with a spill containment pad there. It is estimated that the parking spaces will need to be closed for 90-100 days. The transport of material from the staging area was reviewed. Phase 2 would begin in the fall. It was recommended by the Commission that the applicants have communication with the downtown merchants prior to the start of construction. The Commission noted that the small deck extension could be handled administratively by staff in the future.

MOTION: To approve site plan modification application (SIT16-04) of New Central Hall (a.k.a., Historic Mystic, LLC), 18-22 West Main Street, subject to the following modifications:

- 1. All requirements of Site Plan X12#15 shall remain in place unless specifically modified by this site plan modification application including the Construction Management Plan (Revisions February 29, 2016).
- 2. Prior to the use of the pump station site at 2 Gravel Street for storage or staging, the Lessee shall address all requirements of the lease with the Town of Groton, including posting the necessary insurance documentation and the Estoppel Certificate.
- 3. Any storage of fuel or other hazardous materials and the refueling of equipment and vehicles shall take place on a spill containment pad off of the trestle.
- 4. The Spill Containment Plan shall be modified to be consistent with State and Federal reporting requirements for Oil, Gas and Chemical Spills, including the reporting of any size spill to the local Fire Department and the CT-DEEP Incident Response Division.
- 5. This motion does not approve the proposed deck expansion with this application.
- 6. All staff technical items shall be addressed on the final site plan.

Motion made by Pritchard, seconded by Munn, so voted unanimously.

MOTION: To approve the Coastal Site Plan application for SIT16-04, based upon the following findings and conditions:

The Commission hereby finds that the application, as modified and conditioned herein, is consistent with all applicable goals and policies of CGS 22a-92 and incorporates all reasonable measures which would mitigate adverse impacts of the proposed activity on both coastal resources, and on existing and future water dependent activities.

Motion made by Pritchard, seconded by Munn, so voted unanimously.

The Commission recommended to the applicant that the Coast Guard may need to be added to the spill notification.

VI. OLD BUSINESS

1. POCD Draft Themes

Staff expects to have the final document to the Commission for the next meeting, and hopes the Commission will be able to set a set public hearing date for June.

VII. NEW BUSINESS

1. City of New London Referral for Public Hearing on March 17, 2016 – Zone Regulation Amendment to Create Bus Stop Shelters for Publicly Operated Bus Service on Private Property

Staff explained the referral. The Commission had no comment.

2. City of New London Referral for Public Hearing on March 17, 2016 – Zone Regulation Amendment to Allow Special Events and Tours for Historic Property Preservation

Staff explained the referral. The Commission had no comment.

3. Town of Ledyard Referral for Public Hearing on March 10, 2016 – Zone Regulation Amendments to Chapters 1,2,3,4 and 5

Staff explained the referral. The Commission had no comment.

4. ZBA Referral for Public Hearing on March 9, 2016 - ZBA16-02, Squires Residence, 22 Bank Street

Staff explained the referral for a two story addition and porch to an existing residence. The request is for 17 feet instead of 25 feet for a front yard setback. The existing building is already further into the setback than the proposed porch.

The Commission had no comment.

- 5. Zoning Commission Referral for Public Hearing on April 6, 2016
 - a. REGA16-01, Proposed Zoning Regulation Text Amendment to Sections 6.2 (Downtown Development District); 6.3 (Waterfront Design District); 7.1-36 (Drive-Through Facilities); 7.2-5 (Off-Street Parking and Loading); 7.4-4 (Buffer Areas) and 7.5 (Sidewalks). (Town of Groton Zoning Commission, Applicant)

Staff explained that these amendments are quick fixes for some of the MacKenzie case issues; items which may stop or make it difficult for development, or require a variance that an applicant could not get. Staff expects the regulations will be entirely re-written in the next year or so. As the Planning Commission no longer has the discretion to issue waivers as a result of the MacKenzie case, these amendments will change the regulations for what the Planning Commission previously had the discretion to waive. Staff explained each of the proposed amendments. Staff said the Commission has one more meeting to review the language before the public hearing on April 6, 2016. Standards or options are now written into the regulations to address existing vague language. The Town Attorney reviewed these proposed amendments, and had no concerns. Staff also added language for drive-through stacking lanes for financial institutions. Some clerical edits were suggested by the Commission.

Staff is doing a use, parking, height, and setback analysis of downtown Mystic to use during the rewrite of the entire regulations.

6. Report of Commission

Fitzgerald had a question on procedure with regard to the executive session. Staff explained that no decisions can be made during an executive session, which is why the motion to take action was made after the executive session, during the regular meeting.

Steinford asked about barriers on the New London Road intersection with Route 1. It was stated that someone drove through the fence/guardrail. Staff said that is a state issue.

Kane asked about Winthrop Estates and Olio – someone is parking cars there in the state right-of-way, with advertising placards. Staff said they would have the Enforcement Officer get the information and contact the state about it.

The Commission asked if there was any further contact from the owners of the Spicer Mansion. Staff said a variance application was submitted for a three season porch and balconies, and the porch and balconies would only be open to persons staying at the mansion.

7. New Applications

Staff said an application was submitted for 19 multi-family units on Fort Hill Road behind Flat's Tattoos. A previously approved plan had expired, and the new owners are renewing the project.

Staff said the old Poquonnock Bridge Fire House was sold, and the new owners may use the building for mixed uses including medical offices.

VIII. REPORT OF CHAIRMAN

Acting Chairman Pritchard said that he attended the consultant's Market Analysis presentation to the Town Council. He recommended that all the commissioners read the reports, because it could affect the POCD.

IX. REPORT OF STAFF - None

X. ADJOURNMENT

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Motion to adjourn was made at 9:18 p.m. by Steinford, seconded by Munn, so voted unanimously.

Margil Steinford, Acting Secretary Planning Commission

Prepared by Debra Gilot Office Assistant III